REMARKS/ARGUMENTS

Claims 16 – 26 and 31 - 42 are in the application. Reconsideration is respectfully requested.

Specification

A substitute title and section headings have been provided by this amendment as requested on page 3 of the Detailed Action.

Claim Objections

Applicant respectfully requests that the claim objections be withdrawn. In claim 18, line 2 applicant submits that the singular verb "is" relates to the singular-subject, collective nouns "row," "column" or "array" and, therefore, is unobjectionable.

Similarly, in line 3 of claim 18, the singular verb "is" relates to the singular subject "number" and is also believed to be unobjectionable.

Claim Rejections Under 35 USC § 112

Amendments to paragraph "c" of claim 16, and to claim 19, have been provided to address the indefiniteness rejections made in the first three paragraphs on page 4 of the Detailed Action. Claim 25 was amended for consistency with the changes to claim 16. Applicant believes that these rejections may now be withdrawn.

Claim Rejections Under 35 USC § 103

In rejecting claims 16 –26 and 31 – 42, the Examiner asserts that US Patent No. 5,103,618 (Garwood) discloses a process for packaging a food product including the step of "*at the same time advancing a top web (Fig. 7; via 42 and 61) to a punching station (Figs. 8 and 9) and punching at least one product dispensing aperture in the web (Figs.* [8], *16, and 18; via aperture 125 and column 3, lines 8-12)*".

In reply, Applicant notes that Figs. 8 and 9 of Garwood depict not a punching station but rather a skin wrapping station 43 and lid sealing station 59, respectively. The food product 3 is wrapped with a web of plastics material 45 at the skin wrapping station 43. The wrapping encloses the entire food product or just covers the top surface of the product. With the skin-wrapped product in the pot, a web 61 is sealed over the mouth of the pot to form a lid.

The Garwood process then introduces storage gases between the lid and sides of the pot and the skin wrapping for the purpose of preserving the food product while it is stored. Food product tends to discolor during storage under the storage gases. Thus, prior to putting the product on sale, the storage gases are replaced by gases, which re-color the product to a color that is acceptable to consumers.

Figure 18 of Garwood depicts the packaged food product arriving at a gas insert station 137. At this station, a punch 143 makes apertures 125 in the packaging. The storage gases within the package are then exhausted through an opening 145. Suitable re-coloring gases are introduced through opening 149 and pass into the package through the apertures 125 (column 9, lines 7-9) to re-color the product ready for sale.

Garwood therefore does not teach or suggest punching at least one *product dispensing aperture*, but rather discloses a gas inlet aperture which allows introduction of gasses to the package to facilitate re-coloring of the food product following storage.

Garwood also fails to disclose the step of "*bringing the base and top webs together in register so that an area of top web defining a lid and having a punched aperture therein overlies a mouth of a filled pot*". As can clearly be seen from Figure 18 of Garwood, the apertures 125 in the lid are defined in shoulders formed at the sides of the formed pot. Extrusion of a flowable food product through these apertures would be very difficult, if not impossible.

In view of the foregoing, applicant submits that the claim rejections under 35 USC 103 fail to state a proper *prima facie* case of obviousness because some of the claim limitations, such as those just discussed, have not been shown to be taught or suggested in the prior art.

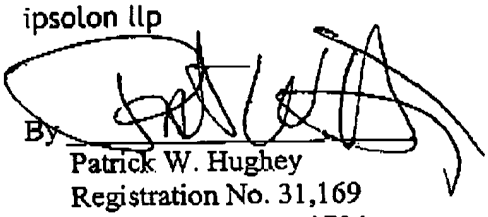
As set forth in the MPEP § 2143.03: "*To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."*

Accordingly, applicant submits that claim 16 and the claims depending therefrom (i.e., claims 17 - 26 and 31 – 42) are nonobvious under 35 USC § 103.

Conclusion

In view of the foregoing, applicant submits that all of the pending claims are now in condition for allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions, he is invited to contact applicant's attorney at the below-listed telephone number.

Respectfully submitted,
ipsolon llp



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